IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9669 of 2002

For Approval and Signature:

HONOURABLE MS.JUSTICE H.N.DEVANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HARISHBHAI T PAREKH & 1 - Petitioner(s)
Versus
NAVSARI PEOPLES' CO OP BANK LTD. & 20 - Respondent(s)

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Appearance :

MR SAURABH J MEHTA for Petitioners
MR BS PATEL for Respondent(s) : 1 - 17, 20,
MRS RANJAN B PATEL for Respondent(s) : 1 - 17, 20,
MR AJ DESAI, AGP for Respondents 18 and 19
MR SB VAKIL, SR. COUNSEL for MR.HV CHHATRAPATI for Respondent No.21

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CORAM : HONOURABLE MS.JUSTICE H.N.DEVANI

Date : 09/10/2007

ORAL JUDGMENT

1. Heard Mr.Saurabh J.Mehta, learned advocate for the petitioners, Mr.B.S.Patel, learned advocate

for the respondents No.1 to 17 and 20, Mr.A.J.Desai, learned Assistant Government Pleader for respondents No.18 and 19, Mr.S.B.Vakil, Senior Counsel with Mr.H.V.Chhatrapati, learned advocate for the respondent No.21.

2. By this petition under Article 226 of the Constitution of India, the petitioner seeks a direction against the State Government to appoint Administrator and to restrain the respondents, Chairman, Directors and other officials of the respondent No.1, Navsari Peoples Cooperative Bank Ltd. from discharging their duties as well as directing them not to use any amount of the bank to defend themselves in any court of law in the present case or any other case.

3. By an order dated 16th August, 2004, this Court had, after hearing the learned advocates for the parties, granted interim relief in the following terms :

> *“5.1) Rule.*
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> *5.2) By way of interim order, it is directed that within a period of ten days from the date of receipt of the order of this Court, respondent No.18 shall clarify the position to R.B.I. as to whether there is any revival package for respondent No.1 Bank or whether the functioning of respondent No.1 Bank is improved or not.*

5.3) After such communication is received by R.B.I. from Respondent No.18, R.B.I. - respondent No.21 shall independently examine and within a period of two weeks thereafter, shall communicate to respondent No.18-19 as to whether it is insisting for implementation of the requisition under Section 115A(3) of the Act for supersession of the Committee of respondent No.1 Bank or otherwise. After such intimation is received by respondent No.18-19 from respondent No.21, respondent No.18-19 shall act upon the same within 48 hrs., from the date of receipt of such intimation from R.B.I.

5.4) It would be open to State Government Respondent No.18 to direct State Registrar to comply with the direction, in case, Registrar has to act as per law for such purpose.

5.5) The aforesaid action shall be subject to further orders which may be passed by the Court at the time of final hearing of the petition.

The final hearing be fixed on 15-12-2004. Direct service is permitted."

4. Learned advocate Mr.B.S.Patel appearing for the respondent No.1 bank states that, pursuant to the interim order passed by this Court, the Board of Directors of the respondent No.1 bank have been superseded and an Administrator has been appointed.

5. In view of the aforesaid, it is an admitted position that the grievance raised in the petition no longer survives. In the

circumstances, nothing further is required to be done in this petition.

6. For the foregoing reasons, the petition succeeds and is, accordingly, allowed. Rule is made absolute accordingly with no order as to costs.

[HARSHA DEVANI, J.]

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